

1 C. Russell Georgeson (SBN 53589)  
2 Richard A. Belardinelli (SBN 065168)  
3 Robert J. Willis (SBN 317327)  
4 GEORGESON AND BELARDINELLI  
5 7060 N. Fresno Street, Suite 250  
6 Fresno, California 93720  
7 Telephone: (559) 447-8800  
8 Facsimile: (559) 447-0747

**E-FILED**  
**2/5/2019 11:15 AM**  
**FRESNO COUNTY SUPERIOR COURT**  
**By: A. Rodriguez, Deputy**

6 Attorneys for Plaintiffs, TAMMI COOPER, an individual, LAURA BURKE, an individual,  
7 CINDY PROMNITZ, an individual, MELODI COOPER, an individual, RACHEL BURKE, an  
8 individual, and MADDIE PROMNITZ, an individual

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **IN AND FOR THE COUNTY OF FRESNO**

11 TAMMI COOPER, an individual; LAURA )  
12 BURKE, an individual; CINDY )  
13 PROMNITZ, an individual; MELODI )  
14 COOPER; an individual; RACHEL )  
15 BURKE, an individual; and MADDIE )  
16 PROMNITZ, an individual, )

17 Plaintiffs, )

18 v. )

19 CLOVIS UNIFIED-SCHOOL DISTRICT, a )  
20 public entity; STACEY SCHIRO, an )  
21 individual; and DOES 1-50, inclusive, )

22 Defendants. )

**Case No.: 19CECG00439**

**COMPLAINT FOR:**

1. NEGLIGENCE
2. BREACH OF MANDATORY DUTY  
GOVERNMENT CODE § 815.6
3. GROSS, WANTON, WILLFUL,  
RECKLESS NEGLIGENCE
4. INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS
5. NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS
6. NEGLIGENT HIRING,  
RETENTION AND SUPERVISION
7. VICARIOUS LIABILITY  
GOVERNMENT CODE §§ 815, 815.2  
AND 820
8. AUDIT/ACCOUNTING

23  
24 COMES NOW, Plaintiff TAMMI COOPER, an individual, Plaintiff LAURA BURKE, an  
25 individual, Plaintiff CINDY PROMNITZ, an individual, Plaintiff MELODI COOPER, an  
26 individual, Plaintiff RACHEL BURKE, an individual, and Plaintiff MADDIE PROMNITZ, an  
27 individual, (collectively "Plaintiffs") and allege against Defendants, and each of them, as follows:  
28

## THE PARTIES

1. Plaintiff MELODI COOPER ("Melodi" and/or "Plaintiffs") is now and at all times herein mentioned is a resident of the County of Fresno, State of California. Melodi is the child of Plaintiff TAMMI COOPER ("Cooper" and/or "Plaintiffs") and a former student at Clovis High School ("CHS") a high school in Defendant Clovis Unified School District ("CUSD"), and a former member/participant of CHS Pep and Cheer Program ("Pep and Cheer") coached, administrated, supervised, managed and controlled by Defendant STACY SCHIRO ("Schiro") at CHS. Cooper and Melodi are protected by and entitled to the rights and privileges provided by the United States Constitution, the California Constitution and state and federal laws, and the provisions hereinafter described as CUSD Board Policies, Administrative Regulations, and Codes of Conduct and Ethics, promulgated rules, and policies mandated by California Code of Regulations title 5 § 5596 and Education Code §§ 33031 and 35179.7.

2. Plaintiff TAMMI COOPER ("Cooper" and/or "Plaintiffs") is now and at all times mentioned herein is a resident of the County of Fresno, State of California. Cooper was and is the mother of Minor Plaintiff Melodi, a former student at CHS and member/participant in Pep and Cheer. Cooper and Melodi are protected by and entitled to the rights and privileges provided by the United States Constitution, the California Constitution and state and federal laws, and the provisions hereinafter described as CUSD Board Policies, Administrative Regulations, and Codes of Conduct and Ethics, promulgated rules, and policies mandated by California Code of Regulations title 5 § 5596 and Education Code §§ 33031 and 35179.7. Cooper brings this claim regarding the use of funds by Defendant Schiro in her official capacity as Pep and Cheer Director raised and contributed by Cooper in support of Pep and Cheer.

3. Plaintiff RACHEL BURKE ("Rachel" and/or "Plaintiffs") is now and at all times herein mentioned is a resident of the County of Fresno, State of California. Rachel is the child of Plaintiff LAURA BURKE ("Burke" and/or "Plaintiffs") and a former student at CHS a high school

1 in CUSD, and a former member of Pep and Cheer coached, administrated, supervised, managed  
2 and controlled by Defendant Schiro at CHS. Burke and Rachel are protected by and entitled to the  
3 rights and privileges provided by the United States Constitution, the California Constitution and  
4 state and federal laws, and the provisions hereinafter described as CUSD Board Policies,  
5 Administrative Regulations, and Codes of Conduct and Ethics, promulgated rules, and policies  
6 mandated by California Code of Regulations title 5 § 5596 and Education Code §§ 33031 and  
7 35179.7.  
8

9 4. Plaintiff LAURA BURKE is now and at all times mentioned herein is a resident of  
10 the County of Fresno, State of California. Burke was and is the mother of Rachel, a former student  
11 at CHS and member/participant in Pep and Cheer. Burke and Rachel are protected by and entitled  
12 to the rights and privileges provided by the United States Constitution, the California Constitution  
13 and state and federal laws, and the provisions hereinafter described as CUSD Board Policies,  
14 Administrative Regulations, and Codes of Conduct and Ethics, promulgated rules, and policies  
15 mandated by California Code of Regulations title 5 § 5596 and Education Code §§ 33031 and  
16 35179.7. Burke brings this claim regarding the use of funds by Defendant Schiro in her official  
17 capacity as Pep and Cheer Director raised and contributed by Burke in support of Pep and Cheer.  
18

19 5. Plaintiff MADDIE PROMNITZ ("Maddie" and/or "Plaintiffs") is now and at all  
20 times herein mentioned is a resident of the County of Fresno, State of California. Maddie is the  
21 child of Plaintiff CINDY PROMNITZ ("Promnitz" and/or "Plaintiffs") and a former student at  
22 CHS a high school in CUSD, and a former member of Pep and Cheer coached, administrated,  
23 supervised, managed and controlled by Defendant Schiro at CHS. Promnitz and Maddie are  
24 protected by and entitled to the rights and privileges provided by the United States Constitution,  
25 the California Constitution and state and federal laws, and the provisions hereinafter described as  
26 CUSD Board Policies, Administrative Regulations, and Codes of Conduct and Ethics,  
27 promulgated rules, and policies mandated by California Code of Regulations title 5 § 5596 and  
28

1 Education Code §§ 33031 and 35179.7.

2         6. Plaintiff CINDY PROMNITZ (“Promnitz” and/or “Plaintiffs”) is now and at all  
3 times mentioned herein is a resident of the County of Fresno, State of California. Promnitz was  
4 and is the mother of Maddie, a former student at CHS and member/participant in Pep and Cheer.  
5 Promnitz and Maddie are protected by and entitled to the rights and privileges provided by the  
6 United States Constitution, the California Constitution and state and federal laws, and the  
7 provisions hereinafter described as CUSD Board Policies, Administrative Regulations, and Codes  
8 of Conduct and Ethics, promulgated rules, and policies mandated by California Code of  
9 Regulations title 5 § 5596 and Education Code §§ 33031 and 35179.7. Promnitz brings this claim  
10 regarding the use of funds by Defendant Schiro in her official capacity as Pep and Cheer Director  
11 raised and contributed by Promnitz in support of Pep and Cheer.  
12

13         7. CUSD is a public school district duly established, organized, governed and existing  
14 under the laws of the State of California, authorized to and engaging in the operation of a public  
15 school system in the County of Fresno, State of California, including athletic and non-athletic  
16 extracurricular activities, including but not limited to Pep and Cheer, in conjunction with academic  
17 programs offered in the district which purports to provide to all students on an equal basis  
18 consistent with state and federal law. CUSD is subject to the laws of the United States of America  
19 as well as the State of California.  
20

21         8. CHS is a subdivision of CUSD operating as one of its several public high schools  
22 in the County of Fresno, State of California.

23         9. CHS is and at all times herein mentioned was a school facility operated by and  
24 under the management and control of Defendant CUSD, its governing board, and employees, and  
25 located in the City of Clovis, Fresno County, State of California.

26         10. Defendant, STACEY SCHIRO (“Schiro”) is now and at all times herein mentioned  
27 is a resident of the County of Fresno, State of California, and an employee of CUSD serving as a  
28

1 Physical Education ("PE") teacher and the Director of the CHS Pep and Cheer under the authority,  
2 control, management and supervision of CUSD and CHS organizations. At all times herein  
3 mentioned Defendant Schiro was and now is an employee, representative, agent and servant of  
4 Defendant CUSD, assigned to CHS and in doing the acts and omissions herein alleged and  
5 described, was acting within the course and scope of her employment, agency, representation and  
6 servitude as a PE teacher and Director of Pep and Cheer with the consent, permission and  
7 ratification of Defendants, and each of them.

8  
9 11. During the relevant times alleged herein, Plaintiffs Melodi, Rachel, and Maddie  
10 were minors attending CHS, however, Plaintiffs Melodi, Rachel, and Maddie are now adults.

11 12. Plaintiffs are ignorant of the true names and capacities of the Defendants sued  
12 herein as Does 1 through 50, inclusive, and therefore sues said Defendants by such fictitious  
13 names. Plaintiffs will amend this Complaint to allege their true names and capacities together with  
14 appropriate charging allegations when ascertained. Plaintiffs are informed and believe and thereon  
15 allege that each of these fictitiously named Defendants are responsible in some manner for the acts  
16 or omissions herein alleged and Plaintiffs' damages as herein alleged. All of the named Defendants  
17 and said Doe Defendants are hereinafter referred to "Defendants" or "CUSD."

18  
19 13. Plaintiffs are informed and believe and upon such information and belief allege that  
20 at all times mentioned herein, that the above named Defendants, and each of them, and DOES 1  
21 through 50, and each of them, are now and at all times herein mentioned were employees, agents,  
22 servants, managers and representatives of each other, and in doing the things hereinafter alleged  
23 were acting within the course and scope of their employment, agency, servitude, management and  
24 representation, and with the permission, consent, authorization, control, and ratification of said  
25 Defendants, and each of them.

26  
27 14. As to all public entity Defendants, Plaintiffs have complied with any and all  
28 applicable claims' statutes by timely filing claims in compliance with California law and

1 applicable provisions of the Government Code with respect to the incidences alleged herein and  
2 the injuries sustained by the Plaintiffs. All claims were rejected by the public entity Defendants  
3 including Defendant Clovis Unified School District and based upon the Defendant's rejections,  
4 Plaintiffs timely bring this action to recover damages as hereinafter alleged.

#### 5 FACTUAL BACKGROUND

6 15. The history of Schiro's administration of the CHS Pep and Cheer, her misconduct,  
7 abuse, bullying, harassment, and malicious conduct are well-known to those presently in the  
8 program and can be confirmed by those who participated in past years. Based on a consensus of  
9 prior participants and parents in Schiro's administration of Pep and Cheer, including all Plaintiffs,  
10 as well as employees, representatives, managers, supervisors, staff and principals of CUSD and  
11 CHS, the fact is she has historically operated the CHS Pep and Cheer with coercion, fear, hostility,  
12 and intimidation.  
13

14 16. In addition, there are numerous instances during Schiro's operation of the Pep and  
15 Cheer where Schiro has made false and/or misleading statements to parents and students in her  
16 program and probably others, gaining the reputation among those individuals and establishing she  
17 is a habitual liar and one who will lie to further her own agenda, whatever that may be. Schiro has  
18 represented several things to parents that are known to be factually untrue. Schiro's deceptions,  
19 misconduct and inappropriate action and occurrences are not a one or two-year occurrence but  
20 have regularly occurred year after year with parents and students having reported to CUSD and  
21 CHS Administrators Schiro's manipulative harassment, intimidation, bullying, and mistreatment  
22 of girls (CHS students and Pep and Cheer members/participants). Notwithstanding, Schiro has  
23 been allowed to continue by CUSD and CHS without any consequences. CUSD and CHS have  
24 ignored Schiro's grievous intentional conduct and have been negligent and wrongfully passive in  
25 many respects in hiring and/or appointing Schiro on a continuous annual basis for several years to  
26 serve as a PE teacher, Director of the Pep and Cheer, and in supervising, monitoring, investigating  
27  
28

1 and retaining Schiro in her position as a PE teacher and Pep and Cheer Director after the many  
2 years of grievances being filed, concerns being disclosed, issues and complaints of Schiro's  
3 misconduct and absolute failure to adhere to CUSD Board policies, regulations, ethical standards,  
4 common decency and law consistent with the visions and values of CUSD and as mandated by  
5 statutory law. (California Code of Regulations title 5 § 5596 and Education Code §§ 33031 and  
6 35179.7.)

7  
8 17. Schiro has intentionally and consistently targeted certain girls on Pep and Cheer,  
9 including Plaintiffs Melodi, Rachel, and Maddie, who were members of Schiro's Pep and Cheer  
10 during the 2016-17 season. Most, if not all, of the girls who were members/participants on in Pep  
11 and Cheer during the 2016-17 season, including Plaintiffs Melodi, Rachel, and Maddie competed  
12 on outside competition dance teams as well as at CHS and were not "problem" students or  
13 "problem" members/participants of Pep and Cheer. Plaintiffs Melodi, Rachel, and Maddie excelled  
14 in the high school environment and were involved in leadership and other CHS activities that  
15 welcomed their presence and contributions. The families of Plaintiffs who are affected by the  
16 actions of Schiro were also very involved in additional CHS programs that involved volunteering  
17 their time, donating and raising money and support to the school in many ways that promoted its  
18 vision and goals. Present and past parents and students participating in the Competition Pep Team  
19 (one of the several teams operating under CHS Pep and Cheer), provided confirmation of Schiro's  
20 consistent abuse, intimidation, bullying, harassment and malicious conduct Schiro imposed on  
21 selected participants in Pep and Cheer. Plaintiffs are informed and believe Schiro's misconduct  
22 described herein are not isolated incidents of intimidation, abuse, bullying, harassment, and  
23 malicious conduct as numerous other parents and girls on CHS Pep and Cheer in years past have  
24 suffered similar intimidation, abuse, bullying, harassment, and malicious conduct through the  
25 machinations of Schiro and the cruelty she imposed on certain Pep and Cheer  
26 members/participants.  
27  
28

1           18.     Schiro inflicted emotional and mental abuse, anxiety, severe stress and depression  
2 on the CHS students as PE teacher and as Pep and Cheer Director, including Plaintiffs Melodi,  
3 Rachel, and Maddie, either privately or in her actions in front of the entire PE class, Pep and Cheer  
4 team, and other third parties. Plaintiffs do not use the terms “abuse, bullying, harassment, and  
5 malicious conduct” lightly as Schiro has established and implemented customs and practices of  
6 demeaning the girls in private and publicly. Schiro’s program and actions are tailored to tear  
7 targeted girls down emotionally, mentally, and physically while building up, promoting, and  
8 enhancing the self-image and qualities of favored students in her PE classes and  
9 participants/members of Pep and Cheer which she knows she can control. The students in her PE  
10 classes and members/participants on Pep and Cheer, including Plaintiffs Melodi, Rachel, and  
11 Maddie, were so fearful of Schiro’s actions and intimidating abuse, bullying, harassment, and  
12 malicious conduct that each PE student and member/participant of Pep and Cheer who are the  
13 victims of the conduct experience emotional stress and anxiety, and physical symptoms and  
14 repercussions caused by Schiro’s conduct—including, but not limited to, panic attacks, migraines,  
15 stress-induced headaches, and flare-ups of stress-induced medical conditions resulting in  
16 substantial physical and mental injuries. Such conduct is inconsistent with legal principles, values,  
17 rules, regulations, ethics and policies CUSD professes to follow that are mandated by State law  
18 and the laws and regulations of the State of California requires, and yet Schiro’s abuse, bullying,  
19 harassment, and malicious conduct on many levels is cavalierly impliedly and expressly by CUSD  
20 and CHS action and inaction ratified and approved, ignored and swept under the carpet by CHS  
21 and CUSD.

22           19.     Schiro’s emotional abuse, intimidation, bullying, harassment, and malicious  
23 conduct are amplified by the physical repercussions students subjected to her despotic wrath  
24 experience. Examples of Plaintiffs Melodi, Rachel, and Maddie who were students in Schiro’s PE  
25 classes, participated in CHS Pep and Cheer, and were targeted through the 2016-17 school year  
26  
27  
28



1 and Pep and Cheer season by Schiro and have suffered as direct, proximate, and legal result thereof  
2 physical health issues due to the stress and emotional abuse they have experienced in and as a  
3 member/participant of Pep and Cheer and in PE classes at the hands of Schiro include, but are not  
4 limited, to the following:

- 5 a) Plaintiff Rachel Burke suffers from Crohn's Disease. As a result of the  
6 stress and anxiety she experienced as a member of Schiro's Pep and Cheer  
7 Program at the hands of Schiro's abuse, bullying, harassment, and malicious  
8 conduct, Rachel experienced a serious, debilitating episode and flare up of  
9 her condition that Plaintiff believes to have been caused and/or brought on  
10 by the stress and anxiety of Schiro's abuse, bullying, harassment, and  
11 malicious conduct. Rachel's Crohn's Disease had been in remission from  
12 the sixth grade until her senior year of high school some 6 years later when  
13 she became the target of Schiro's intimidation, abuse, bullying, harassment,  
14 and malicious conduct. Becoming the target of Schiro's abuse, intimidation,  
15 bullying, harassment, and malicious conduct exacerbated, and was a  
16 substantial factor, if not the sole reason as to Rachel's Crohn's condition to  
17 such an extent she was required to be hospitalized in February and March  
18 of 2017. The severity of Rachel's Crohn's flare-up that was caused by  
19 Schiro's abuse, intimidation, bullying, harassment, and malicious conduct  
20 caused Rachel to spend nine (9) weeks in the hospital between October and  
21 May of 2017 during which time Rachel underwent three surgeries directly  
22 attributable to the Crohn's flare-up. Furthermore, the severity of Rachel's  
23 Crohn's flare-up caused by Schiro's machinations of abuse, bullying,  
24 harassment, and malicious conduct caused Rachel to delay her freshman  
25 year in college by one year, stealing her opportunity to a traditional  
26  
27  
28

1 experience and rite of passage in attending college as an eighteen-year-old  
2 freshman.

3 b) Plaintiff Maddie Promnitz has suffered from serious migraines after  
4 becoming the target of Schiro's abuse, bullying, harassment, and malicious  
5 conduct.

6 c) Plaintiff Melodi Cooper has been diagnosed with an ulcer and has suffered  
7 from near debilitating migraines which have been attributed to the stress  
8 and emotional trauma Schiro's abuse, bullying, harassment, and malicious  
9 conduct caused her.  
10

11 20. Schiro's abuse, intimidation, bullying, harassment, and malicious conduct cannot  
12 be understated because of the severity of its effect on CHS Pep and Cheer members/participants  
13 and PE class students, including Plaintiffs Melodi, Rachel, and Maddie, who enjoyed and wanted  
14 to participate in this extracurricular activity for the enjoyment and character building it should  
15 offer such students, and were required by CUSD to participate PE classes while enrolled. Such is  
16 not the case in Schiro's Pep and Cheer program and PE classes. To the contrary, abuse,  
17 intimidation, bullying, harassment, and malicious conduct for those selected by Schiro are the  
18 common practice employed by Schiro through her despotic machinations for power and control of  
19 the lives and emotions of these young women, including Plaintiffs Melodi, Rachel, and Maddie.  
20 Tolerance of Schiro's abuse, intimidation, bullying, harassment, and malicious conduct to this  
21 point has been the product of these students', including Plaintiffs Melodi, Rachel, and Maddie's,  
22 love of Pep and Cheer and enjoyment they expected to exist. As noted above, most of the Pep and  
23 Cheer members/participants, including Plaintiffs Melodi, Rachel, and Maddie, participate in dance  
24 outside of school too; their love of dancing cannot be understated.  
25

26 21. As a result of the tolerance afforded to Schiro, prior to March 2016, Schiro's  
27 treatment was tolerated because the girls, including Plaintiffs Melodi, Rachel, and Maddie, were  
28

1 doing something that they loved and enjoyed the comradery of their team members. It is important  
2 to note that Schiro's daughter, Alyssa, was on the team until she graduated in 2016. Of course  
3 Alyssa was favored in all aspects of the program by her mother. Alyssa received the first ever  
4 scholarship and was afforded leadership opportunities (made head captain of the Pep Team) after  
5 she was caught cheating on a chemistry final in 2015. Plaintiffs are informed and believe and allege  
6 thereon students caught in the same chemistry cheating scandal were banned from summer  
7 workouts with the wrestling team while Alyssa was allowed to participate in Pep and Cheer related  
8 activities during the same time. Among the many instances of Schiro's abuse, intimidation,  
9 bullying, harassment, and malicious conduct include, but are not limited to, the following:

- 11 a) March 2016, CHS Pep and Cheer attended the Nationals in Anaheim. The  
12 Pep Team was released by their Pep coach Andrea to their parents for a few  
13 hours. Taking advantage of this opportunity, Plaintiffs Melodi, Rachel, and  
14 Maddie left with their parents and returned to the team on time as required  
15 by Andrea. Numerous others witnessed Andrea releasing the Pep Team to  
16 their parents. Further, Ms. Lazarri stated to Plaintiffs that all the girls on the  
17 Pep Team she had spoken with regarding this incident stated the same story,  
18 that Andrea had released them. Moreover, if this had been a breach of team  
19 rules, when Schiro learned of Plaintiffs Melodi, Rachel, and Maddie leaving  
20 with their parents she could have called them to come back, or instructed  
21 one of the other Pep Team members to contact Plaintiffs to return. The issue  
22 was not addressed the entire weekend while at Nationals. Instead, Schiro  
23 decided to wait till after the Plaintiffs Melodi, Rachel, and Maddie returned  
24 from Spring Break to address this. Upon returning to school, one could say  
25 "all hell broke loose" as the Plaintiffs Melodi, Rachel, and Maddie were  
26 called in by Schiro who proceeded to violently scream and chastise  
27  
28

1 Plaintiffs and informed them they had broken the rules even though they  
2 were permitted to leave with their parents by their coach. Schiro, during her  
3 tirade directed at Plaintiffs, began blaming Rachel for the Pep Team's  
4 second-place finish at Nationals and stated that if "she even bothers to try  
5 out she will not be captain." Suffice it to say it was a verbally and  
6 emotionally abusive encounter and attack on Plaintiffs Melodi, Rachel, and  
7 Maddie by Schiro. After this incident, Melodi and her mother Tammi  
8 Cooper, and Rachel and her mother Laura Burke met with Schiro  
9 individually where Schiro continued to misrepresent the true facts of the  
10 situation and asserted numerous fabrications to justify her tirade and  
11 abusive conduct. This incident is highlighted because it was a turning point  
12 for Plaintiffs Melodi, Rachel, and Maddie and thereafter Schiro's abuse,  
13 bullying, harassment, and malicious conduct directed towards Plaintiffs was  
14 relentless.  
15

16 b) Prior to the incident at Nationals, in or about December 2015, Plaintiffs  
17 Burke and Rachel were called into a meeting by Schiro regarding Alyssa  
18 and Jenna Sanders (then co-captains of the Pep Team) not getting along and  
19 its detrimental impact on the Pep Team. At this meeting Schiro expressed  
20 her desire that Rachel take over the responsibilities of captain of the Pep  
21 Team, however, after the abovementioned incident at Nationals Schiro told  
22 Rachel she was not captain material and began to direct her abuse,  
23 intimidation, bullying, harassment, and malicious conduct toward Rachel.  
24

25 c) In seeking to address this mistreatment and in an effort to rectify Schiro's  
26 abuse, intimidation, bullying, harassment, and malicious conduct directed  
27 at their children, in March 2016, Plaintiffs Cooper, Burke, and Promnitz  
28

1 immediately contacted Stacy Lazarri, Schiro's boss, to report Schiro's  
2 abuse, intimidation, bullying, harassment, malicious conduct, tirades and  
3 continued disparagement that she was constantly inflicting on the Plaintiffs  
4 Melodi, Rachel, and Maddie in private meetings after the incident at  
5 Nationals. Ms. Lazarri encouraged the parents to meet with Schiro.  
6 Plaintiffs followed that advice believing that they could have a rational  
7 conversation with Schiro, but soon determined that would not be the case  
8 following their meeting and discussions with her.  
9

10 d) September 2016, Plaintiffs believed an individual meeting with Schiro's  
11 supervisor, the principal of CHS, would have a positive result and resolve  
12 the abuse, intimidation, bullying, harassment, and malicious conduct being  
13 sustained by Plaintiffs Melodi, Rachel, and Maddie that is contrary to all of  
14 CUSD's policies, regulations and ethical standards mandated by State law,  
15 and the laws and regulations of the State of California. Each of the Plaintiffs  
16 had individual meetings with Denver Stairs, then principal of CHS, to  
17 express their concerns over the inappropriate treatment of the Plaintiffs  
18 Melodi, Rachel, and Maddie. Mr. Stairs assured each of the Plaintiffs that  
19 he would look into the situation and follow up leading the Plaintiffs to  
20 believe action would be taken to prevent further abuse, intimidation,  
21 bullying, harassment, and malicious conduct directed at Plaintiffs Melodi,  
22 Rachel, and Maddie. While it is believed Mr. Stairs did follow up, it is  
23 obvious his investigation or review was completely inadequate, incomplete  
24 and not effective if it was in fact undertaken. This conclusion is supported  
25 by the fact he took no action and did nothing to resolve and enforce  
26 California law, or CUSD policies, regulations and ethical standards  
27  
28

1 mandated by the laws of State of California as to Schiro.

2 e) October 2016, Denver Stairs and Ms. Lazarri were intentionally observing  
3 Pep and Cheer during football games and were able to witness and confirm  
4 some of the misbehavior Schiro was engaging in that Plaintiffs were  
5 reporting to them. Notwithstanding Stairs and Ms. Lazarri's personal  
6 knowledge of Schiro's inappropriate antics, and offensive conduct, no  
7 action was taken to address these as far as the Plaintiffs know. Denver Stairs  
8 and Ms. Lazarri even attended a dinner at Plaintiff Promnitz's house prior  
9 to a football game to see how the girls were doing, speaking to them directly  
10 with every opportunity to address the issues each faced under Schiro's  
11 control as Pep and Cheer Director, and their as their PE teacher.

13 f) In or about November 2016, Taylor Coloka, the coach of the Pep Team met  
14 with the girls. At this meeting, Taylor Coloka informed the girls that Schiro  
15 had informed Taylor that the team hates her (Taylor). All of the girls assured  
16 Taylor that was not the case. The result of this meeting was that the team  
17 was going to stick together and disregard the things Schiro was saying.

19 g) December 2016, Pep and Cheer attended a competition at the University of  
20 the Pacific. A few parents of girls who were members/participants of Pep  
21 and Cheer, more specifically the Pep Team, emailed Ms. Lazarri with  
22 concerns and disappointment in the choreography and asked for a financial  
23 breakdown of competition expenses. Plaintiffs are informed Ms. Lazarri  
24 requested Schiro give the parents a financial breakdown of the team  
25 finances which was later learned had not been updated or made accurate in  
26 many years.

28 h) December 2016, Plaintiff Promnitz emailed Denver Stairs regarding

1 Schiro's treatment of her daughter Plaintiff Maddie at a rally. Schiro  
2 screamed at Plaintiff Maddie and humiliated her at the rally in front of other  
3 teammates, students and teachers loudly stating to Plaintiff Maddie among  
4 other things that everyone on the team hated her.

5 i) January 18, 2017 Denver Stairs and Ms. Lazarri chaired a meeting with the  
6 Competition Pep Team to discuss the team not attending Nationals.  
7 Substantial discussion occurred at this meeting, including questions about  
8 the Pep Team's finances under the control of Schiro. At this meeting, Schiro  
9 said it did not "behoove" this team (the "Pep" Team) to attend Nationals.  
10 However, shockingly, Schiro informed those in attendance that the Cheer  
11 Squad would be attending Nationals even though it was not a custom and  
12 practice for one team to attend the Nationals without the other, and in fact,  
13 only one team attending was never allowed in the past.

14 j) January 26, 2017 Miranda Aguirre was removed from the Pep Team due to  
15 poor grades. However, Schiro inappropriately and callously chose to  
16 humiliate her by kicking her off the Pep Team at the Buchanan/Clovis  
17 Wrestling Dual Meet in front of a packed gym. The humiliation for Miss  
18 Aguirre did not end with a mere discharge of the team in front of hundreds  
19 of spectators, but Schiro instructed Miss Aguirre to immediately take off  
20 her uniform. Such unnecessary and improper abuse, bullying, harassment,  
21 and malicious conduct resulted in extreme emotional distress and brought  
22 Miss Aguirre to tears. In addition, Miss Aguirre was specifically told that  
23 she could not try out for next year's squad (2017-18) even if her grades  
24 improved. However, Alex Hernandez, another Pep Team member, who was  
25 also removed for grades, was allowed to try out and made the Competition  
26  
27  
28

1 Pep Team for the 2017-18 year. Such conduct exemplifies not only Schiro's  
2 abuse, intimidation, bullying, harassment, and malicious conduct, but also  
3 goes to show how Schiro arbitrarily and vindictively picks her "favorite"  
4 girls and grants them privileges others are denied.

5 k) February 1, 2017 Pep Team was punished by excluding them from cheering  
6 at the last wrestling match because members of the "Super Squad" had  
7 gotten into serious trouble. None of the members of the Pep Team punished  
8 by Schiro for actions of the Super Squad had ever been in trouble at school  
9 or school related activities. Fortunately, after Plaintiffs brought this  
10 arbitrary act to the attention of CHS administration and faculty,  
11 administrators instructed Schiro that all the girls would cheer for the  
12 remainder of the wrestling season.

13  
14 l) February 6, 2017 the Pep coach, Taylor Coloka, unexpectedly quit as coach  
15 of the Pep Team stating in an email to Ms. Lazarri that she was  
16 "uncomfortable" working with the CHS Pep and Cheer program. It is  
17 Plaintiffs' understanding and belief that Taylor has been reluctant to come  
18 forward with her story because she has not received assurances from the  
19 CHS Administration or CUSD that action would be taken against Schiro for  
20 her misconduct. Plaintiffs are informed and believe, and thereon allege,  
21 Taylor fears retribution from Schiro that would damage Taylor's career.  
22 Taylor has opened up to certain parents, including Plaintiffs Cooper, Burke  
23 and Promnitz, and they have heard Taylor's story which establishes and  
24 proves intentional plotting and manipulating by Schiro in order to hurt the  
25 girls, including Plaintiffs Melodi, Rachel, and Maddie. Plaintiffs are  
26 informed and believe, and thereon allege, Schiro's conduct is not only in  
27  
28



1 violation of CUSD policy, regulations, code of ethics, and common  
2 decency, mandated by State law as well as laws and regulations of the State  
3 of California.

4 m) February 7, 2017 several mothers of affected daughters, including Plaintiffs  
5 Cooper, Burke, and Promnitz, sent an urgent email to Denver Stairs  
6 regarding the Pep Team situation and Schiro's abuse, intimidation, bullying,  
7 harassment, and malicious conduct. Denver Stairs and Ms. Lazarri attended  
8 the special Pep Team practice and after observing the practice, subsequently  
9 commented to the parents that it evident that the girls' spirits are broken.  
10 Ms. Lazarri requested Plaintiff Cooper meet with her, Denver and Schiro  
11 on Friday, February 10, 2017. At this time, the parents, including Plaintiffs  
12 Cooper, Burke, and Promnitz felt optimistic that the administration was  
13 going to take action. Plaintiffs had heard reports Schiro was "freaking out,"  
14 called in sick to work even though she was still on campus and had a  
15 substitute teacher for her PE classes on the day of the scheduled meeting.  
16 Unfortunately, Schiro controlling the moment caused the meeting to be  
17 canceled due to Schiro's purported "illness."  
18

19 n) Around this same time, after Taylor Coloka had left the Pep Team, Denver  
20 Stairs and Stacy Lazarri offered their offices as safe rooms/spaces for  
21 Plaintiffs Melodi, Rachel, and Maddie to use in the event that they were  
22 feeling targeted and/or threatened in any way by Schiro. March 2017,  
23 Plaintiff Maddie ran from Schiro to Ms. Lazarri's office (safe room) in an  
24 effort to hide from Schiro and avoid her abuse, intimidation, bullying,  
25 harassment, and malicious conduct. Schiro attempted to call Ms. Lazarri  
26 multiple times (more aptly said, due to Schiro's multiple phone calls Ms.  
27  
28

1 Lazarri's phone was ringing off the hook) while Maddie was in the safe  
2 room (Ms. Lazarri's office). Ms. Lazarri informed Maddie that it was Schiro  
3 calling and that she was not going to answer Schiro's persistent phone calls  
4 while Maddie was in her office seeking refuge and protection.

5 o) At some point after the incident at Nationals during the 2016-17 school year,  
6 Schiro inadvertently marked Plaintiff Melodi absent from PE class. In an  
7 effort to resolve the unexcused and inadvertent absence and remove it from  
8 Melodi's record, Melodi approached Schiro, who was out by the track with  
9 one of her other PE classes, with a form that required Schiro's signature  
10 from the office. Schiro proceeded to force Melodi to stand out by the track  
11 until she could remember what exactly the PE class did on the day Melodi  
12 was marked absent before she would sign it. When Melodi responded what  
13 the class did, Schiro began to further interrogate her in front of other PE  
14 teachers and students. Finally, Schiro signed the form, however, instead of  
15 signing her name Schiro wrote "here." The office would not accept the form  
16 without Schiro's proper signature, requiring Melodi to return to the track  
17 and further embarrass her. This whole ordeal also caused Melodi to miss  
18 instruction in her other class during that period.

19 p) Throughout the 2016-17 school year after the incident at Nationals, Schiro  
20 made Plaintiff Melodi run additional laps because she was not finishing the  
21 laps on-time. However, girls that finished running laps at the same time as  
22 Melodi (not on-time) were allowed to sit in the shade while Melodi ran  
23 additional laps. Furthermore, during both PE classes and Pep and Cheer  
24 practice Schiro intentionally excluded Melodi from meetings with juniors,  
25 which Plaintiff Melodi was one of at the time, on Pep and Cheer to plan for  
26  
27  
28

1           their senior year on Pep and Cheer.

2           q)     In another act of exclusion, at the end of the 2016-17 Pep and Cheer season  
3                 Schiro excluded Plaintiff Melodi from "spirit night" junior meetings and  
4                 planning, and the junior honoring of graduating seniors by giving flowers  
5                 during the spirit night. Plaintiff Melodi and her mother Plaintiff Cooper  
6                 upon learning of Melodi's exclusion from the junior meetings and spirit  
7                 night flower presentation contacted Denver Stairs. After contacting Mr.  
8                 Stairs, a decision was made to have each individual Pep and Cheer team,  
9                 not just the juniors, present the graduating seniors with flowers.  
10                

11           r)     February 15, 2017 Plaintiff Cooper, Plaintiff Melodi and Stacy Lazarri had  
12                 a meeting with Denver Stairs at CHS. Mr. Stairs requested a list of families  
13                 that were having similar issues with Schiro. Plaintiffs provided the list to  
14                 Mr. Stairs that consisted of approximately 15 names that he could contact.  
15                 Some were reluctant to provide their name due to fear Schiro might turn on  
16                 their daughters as she had against Plaintiffs Melodi, Rachel, and Maddie. In  
17                 any event, more names would have served little purpose from Plaintiffs'  
18                 standpoint as Mr. Stairs only contacted one person on the list, Lori Pope.  
19                 Amanda Best sought out Denver Stairs and requested her own meeting.  
20                 Marin Woods and her mother requested a meeting with Denver Stairs  
21                 following a meeting that Schiro had with Marin. In Marin's meeting with  
22                 Schiro, Schiro told Marin she had heard from other girls that she was  
23                 sleeping around and pregnant.  
24                

25           22.     Plaintiffs Melodi, Rachel, and Maddie finished their season on Pep and Cheer as  
26                 required. After the season, the Administration made no effort to contact anyone regarding Schiro  
27                 and has not since then. There have been further repercussions following Schiro's abuse, bullying,  
28

1 harassment, malicious conduct and intolerant attitude of good and upstanding students in her PE  
2 classes and those students seeking to participate in Pep and Cheer. Plaintiff Melodi did not try out  
3 for the 2017-18 team as nothing had changed, and Schiro remained, even though Denver Stairs  
4 assured her that he would remedy the situation so she would feel comfortable trying out. Miranda  
5 Aguirre was not allowed to try out, and Plaintiffs Maddie and Rachel graduated. CUSD and CHS  
6 administrative inaction has allowed Schiro's abuse, bullying, harassment, and malicious conduct  
7 to be inflicted upon students who are required to take a PE class, and further to steal the opportunity  
8 to participate in a CUSD program of which Plaintiffs Melodi, Rachel and Maddie have a right to  
9 participate in—at the bare minimum try out for—free of Schiro's malicious and despotic  
10 machinations which violate CUSD and State of California rules, regulations, and laws.

12 23. Plaintiffs have obtained further information which demonstrates the abusive and  
13 demeaning actions Schiro has perpetrated upon the students of past and present PE classes and  
14 members/participants of past and present Pep and Cheer teams which she despotically controls and  
15 directs. Among these are some, but not all, of the incidents that weigh heavily on Schiro's lack of  
16 competence and qualification to continue to direct the CHS Pep and Cheer which include, but are  
17 not limited to, the following:

19 a) In or about October or November 2016, Taylor, coach of the Pep Team, met  
20 with girls at practice and informed them that Schiro had told her that team  
21 did not like Taylor and did not want her as coach. The girls, including  
22 Plaintiffs, said none of that was true and poured out to Taylor all the things  
23 that Schiro said to them that were upsetting. At that time, Taylor and the  
24 team agreed that they would stick together, stay away from Schiro as much  
25 as they could and have each other's backs.

26 b) In or about January 2017, a money meeting was held where the  
27 administration said that the Pep Team is not going to Nationals. After this  
28

1 meeting, Lazarri, Taylor and Schiro talked. Schiro told Lazarri that she  
2 wanted Plaintiff Melodi off the team. Ms. Lazarri asked Taylor's opinion  
3 and Taylor disagreed with Schiro saying Melodi works hard, does a good  
4 job and belongs on the team. Schiro reflected surprise that Taylor did not  
5 back her up. Taylor said from that point on Schiro knew she would not be  
6 her "yes" man and wanted her out.

7  
8 c) After quitting, Taylor texted the girls, including Plaintiffs Melodi, Rachel,  
9 and Maddie, telling them she had quit and it had nothing to do with them  
10 because Taylor knew that Schiro would tell the girls, including Plaintiffs  
11 Melodi, Rachel, and Maddie, it was all because of them. Other things Taylor  
12 told the parents, including Plaintiffs Cooper, Burke, and Promnitz, weigh  
13 heavily on the ability of Schiro to further serve as Pep and Cheer Director  
14 and demonstrate she lacks the qualifications, integrity, and competence to  
15 fulfill CUSD Board policies, regulations, ethics and indeed apparent  
16 California statutes governing such situations. Among the matters Taylor  
17 disclosed to the parents, including Plaintiffs Cooper, Burke, and Promnitz,  
18 of Pep Team members are the following:

- 19  
20 i) Schiro called Plaintiffs Rachel, Maddie and Melodi sluts.  
21 ii) Schiro said Plaintiff Rachel was faking Crohn's Disease because she  
22 had never heard of it.  
23 iii) Schiro told Taylor to treat Sam, Katie and Kalen super nice while  
24 coming down hard on Plaintiffs Melodi, Rachel, and Maddie.  
25 iv) Schiro told Taylor now that her daughter Alyssa was no longer on  
26 the Pep Team, she didn't care about Pep.  
27 v) Schiro told Taylor that Plaintiff Burke sent her an email saying how  
28

1 much she disliked Taylor. When Taylor asked to see the email  
2 Schiro said it would be too upsetting. Taylor knew it wasn't true as  
3 Taylor and Plaintiff Burke are friends. Schiro created this lie to try  
4 and create a wedge between the moms, including Plaintiffs Cooper,  
5 Burke, and Promnitz, and Taylor and give Taylor a reason to  
6 mistreat Plaintiff Rachel.

7  
8 vi) Taylor said Schiro would keep her in the office for hours when she  
9 was supposed to be supervising and practicing with the team. During  
10 this time, Schiro would gossip about various girls on the different  
11 Pep and Cheer squads. Many times Taylor said she would tell Schiro  
12 she didn't want to hear any of it.

13 24. The above alleged abuse, bullying, harassment, and malicious conduct of Schiro is  
14 only the tip of the iceberg. Taylor said there were many other things Schiro said about the girls,  
15 including Plaintiffs Melodi, Rachel, and Maddie, behind closed doors, but Taylor just wanted the  
16 parents, including Plaintiffs Cooper, Burke, and Promnitz, to know some of what generally was  
17 happening. To ignore Schiro's abuse, bullying, harassment, and malicious conduct will no longer  
18 be tolerated by Plaintiffs, who are in fact still awaiting a response to their November 1, 2017 letter  
19 to CUSD, of which they were promised a written response by mid-February 2018 in a letter dated  
20 January 25, 2018 from Karen Samman, CUSD's General Legal Counsel.

21  
22 25. The January 25, 2018 letter further assured Plaintiffs that an investigation of the  
23 allegations, alleged above, would take place. Plaintiffs believe an investigation did indeed take  
24 place, or at the very least commenced, but has either not been completed or the findings have not  
25 been communicated to Plaintiffs as stated in the January 25, 2018 letter. February 8, 2018 the  
26 Plaintiffs met with Norm Anderson (a CUSD employee) who informed them that he was  
27 conducting the investigation into their complaints regarding Schiro's conduct. During this meeting  
28

1 Mr. Anderson told the Plaintiffs that he had talked with others regarding Schiro's conduct,  
2 however, he could not inform them of who he had spoken with. Mr. Anderson also informed  
3 Plaintiffs that he had not spoken with Schiro yet. After questioning from Plaintiffs, Mr. Anderson  
4 confirmed both notes detailing all of Plaintiffs' interactions with CHS staff and administration  
5 regarding Schiro's above alleged abuse, bullying, harassment, and malicious conduct were in  
6 Schiro's employee file, and that Plaintiffs' allegations against Schiro were consistent with what  
7 other people whom he had interviewed were saying. Mr. Anderson then ended the meeting by  
8 assuring Plaintiffs he would be finished with his investigation within about a week, and that  
9 Plaintiffs would know the outcome, however, Mr. Anderson was not definitive how Plaintiffs  
10 would learn of the outcome of his investigation. Approximately two weeks after Plaintiffs' meeting  
11 with Norm Anderson, Mr. Anderson contacted them requesting updated contact information for  
12 Taylor Coloka. Moreover, it was made aware to Mr. Anderson at the meeting that the Pep and  
13 Cheer Team was preparing to leave for Nationals in Anaheim, and much to Plaintiffs' amazement  
14 and bewilderment, Plaintiffs are informed and believe and allege thereon, that CHS and CUSD  
15 allowed Schiro to take the Pep and Cheer Team out of town without a chaperone present to ensure  
16 that the alleged abuse, bullying, harassment, and malicious conduct does not continue to happen  
17 to other young women who CHS and CUSD have a duty to protect under California Law while  
18 engaged in CHS and CUSD activities, such as Pep and Cheer.

21 26. The present and past parents, including Plaintiffs Cooper, Burke, and Schiro,  
22 subjected to Schiro's despotic and malicious control of the Pep and Cheer Team have had their fill  
23 of her abuse, bullying, harassment, malicious and deceptive actions and abusive emotional torment  
24 and suffering of those who wish to participate, including Plaintiffs Melodi, Rachel, and Maddie,  
25 in CHS Pep and Cheer. Thus, to rectify the past and present situation, Plaintiffs previously sought  
26 in their November 1, 2017 letter to CUSD to have CUSD fulfill its duties under their rules, policies,  
27 regulations and the regulations and laws of the State of California to investigate thoroughly and  
28

1 make the following decisions:

- 2 a) Schiro be removed as Director of CHS Pep and Cheer so other young  
3 women and CUSD students do not suffer the same abuse as Plaintiffs  
4 Melodi, Rachel, and Maddie and as so many other young women and  
5 students have in the past.
- 6 b) An independent audit of the CHS Pep and Cheer account bet undertaken so  
7 there is an accounting of where and how Plaintiffs Cooper, Burke, and  
8 Promnitz's, other parents, and CUSD money has been and is spent by  
9 Schiro.  
10

11 27. In addressing how the conduct of Schiro is inconsistent with and in violation of  
12 CUSD Board Policy, Regulations, Code of Ethical Conduct and possibly California state law,  
13 Plaintiffs previously referred CUSD to the following principles that CUSD, CHS Administrators,  
14 and Schiro have ignored and violated affirmatively and passively by their inaction to correct  
15 Schiro's abuse, bullying, harassment, and malicious conduct:

- 16 a) The "Clovis Way" district-wide belief system that rests on core principles  
17 that can be found in Defendant CUSD's name: "Clovis Unified." For such  
18 principles and words to have any meaning CUSD must enforce and mandate  
19 in full compliance in all educational activities of the district.
- 20 b) Principles in the annual "Student and Parent Rights and Responsibilities  
21 Handbook."
  - 22 i) Board Policy 2305(1) ["It is important that every . . . **coach and**  
23 **advisor** be an exemplary role model for the school, community and  
24 each other, and that each student, coach and advisor reflect the  
25 strong value the Board places upon character. The coach, advisor,  
26 and student must recognize that the purpose of activities is to  
27  
28



1 promote the physical, **mental, moral, and emotional well-being of**  
2 **the individual student.**" (Emphasis Added).

3 ii) "For all extra-curricular activities . . . the coach/advisor, student and  
4 parent/guardian shall each sign and follow the District's Code of  
5 Conduct, attached thereto."

6  
7 iii) "Clovis Unified District Administrative Regulation – Student  
8 Service Rights & Responsibilities No. 2505:

9 A) The District Regulations clearly present applicable rules to  
10 the circumstance involving Schiro and the Pep and Cheer at  
11 CHS as follows:

12 1) See Paragraph A General Program Parameters:  
13 "Extra-Curricular and co-curricular programs and  
14 activities in the District shall be conducted in  
15 accordance with the following general program  
16 parameters." These have been clearly violated by  
17 Administrative staff at CHS, and Schiro with respect  
18 to the Pep and Cheer at CHS:  
19

20 I) Paragraph A-2: "Be responsive to the  
21 articulated needs of students"

22 II) Paragraph A-3: "Include competent  
23 guidance and supervision by willing District  
24 Staff. . . ."

25 III) Paragraph A-4: "Guard against the  
26 exploitation of students."

27 IV) Paragraph A-7: "Reflect District principles  
28

1 and character, and the role of students and  
2 coaches/advisors as role models and guard  
3 against undue influence . . . .”

4 V) Paragraph A-8: “A violation of school rules  
5 by one or more students shall not be a basis  
6 for restricting the opportunities of other  
7 students who have not violated the rules.”

8 \* \* \*

9  
10 7) “Accordingly, teachers, coaches, advisors,  
11 parents/guardians . . . and students shall abide by the  
12 Code of Conduct to uphold the trustworthiness,  
13 respect, responsibility, fairness, caring and  
14 citizenship that this community represents”

15 8) Clovis Unified School District Code of Conduct, No.  
16 2505(1) titled “Coach/Advisor Code of Ethical  
17 Conduct and Expectations” applicable to Schiro’s  
18 conduct as Pep and Cheer Director:

19 I) Expectations:

20 Paragraph 1: “establish student safety and  
21 welfare as a number one priority”

22 Paragraph 5: “establish and model fair play,  
23 sportsmanship and appropriate conduct”

24 Paragraph 7: “not verbally or physically  
25 abuse fellow coaches/advisors, students or  
26 officials”  
27  
28

Paragraph 10: “be consistent in requiring students to follow rules and standards of the school and team”

Paragraph 11: “use discretion and good judgment when reprimanding students”

Paragraph 27: "present, encourage and enforce the C.U.S.D. Code of Conduct"

### II) Communication:

Paragraph 1: “have open and on-going communication with coaches, students and parents”

iv) Clovis Unified School District Code of Conduct, No. 2505(5) titled “Code of Ethical Conduct For Teachers, Coach’s, and Advisors” applicable to Schiro’s conduct as Pep and Cheer Director:

- 1) TRUSTWORTHINESS: Principles therein
- 2) RESPECT: Principles therein
- 3) RESPONSIBILITY: Principles therein
- 4) FAIRNESS: Principles therein
- 5) CARING: Principles therein

28. Plaintiffs are informed and believe, and thereon allege, that Schiro's abuse, bullying, harassment, and malicious conduct has continued with new young women in her vindictive sights. Patrice Kate's daughter Grace became a new target for Schiro during the 2017-2018 school year. Plaintiffs are informed and believe, and thereon allege, that Grace was forced to drop from Competition Cheer to Game Cheer (essentially going from varsity to junior varsity) due to the emotional stress caused by Schiro's unrelenting abuse, bullying, harassment, and malicious

1 conduct directed towards her, and in fact subsequently decided to quit the Pep and Cheer because  
2 of Schiro's continuing abuse, bullying, harassment, and malicious conduct. Plaintiffs are further  
3 informed and believe, and thereon allege, a meeting occurred between Ms. Lazarri, Patrice and  
4 Grace regarding Schiro's abuse, bullying, harassment, and malicious conduct. Furthermore,  
5 Plaintiffs are informed and believe, and allege thereon, that Patrice and Grace had no knowledge  
6 of the Plaintiffs' previous complaints and allegations raised to CHS and CUSD regarding Schiro's  
7 abuse, bullying, harassment, and malicious conduct. This continued abuse, bullying, and malicious  
8 conduct on the part of Schiro directed at Pep and Cheer participants/members and CUSD students  
9 goes beyond the incidents suffered by Plaintiffs, and shows CHS and CUSD's knowledge of  
10 Schiro's conduct directed towards the young woman who CHS and CUSD owe a high duty of care.

12 29. Plaintiffs have patiently waited for CUSD and CHS to address their many  
13 abovementioned grievances to no avail. As noted above, CUSD promised Plaintiffs an  
14 investigation would be undertaken and a written response thereof would be completed by mid-  
15 February 2018. Plaintiffs patiently waited past mid-February for the written response, which has  
16 yet to arrive at the time of this Complaint. As further noted above, Plaintiffs have been attempting  
17 to informally resolve this issue since 2016, and in doing so, have relied on numerous assurances  
18 from CHS staff and Administration that the above allegations of misconduct on the part of Schiro  
19 would be looked into and taken care of. Plaintiffs' reliance on the assurances of numerous CHS  
20 and now CUSD employees was reasonable at all times alleged herein. Plaintiffs have been  
21 operating under the assumption and belief that CHS and CUSD staff and Administrators have been  
22 acting with the best interests of Plaintiffs and all other young women who are exposed to Schiro  
23 as required due to CHS, CUSD's, and their employees high standard of care owed to students  
24 under California law.

26 30. After waiting for the promised written response to their November 1, 2017 letter,  
27 Plaintiffs served their claims to CUSD on June 25, 2018. CUSD responded to Plaintiffs Burke,  
28

1 Rachel, Promnitz, and Maddie's Complaints via letters dated July 24, 2018 stating that they were  
2 time barred, however, CUSD did not respond to Plaintiffs Cooper and Melodi's Complaint. To  
3 which, Plaintiffs Burke, Rachel, Promnitz, and Maddie responded via letter dated August 28, 2018  
4 requesting and making an application to present a late claim under Government Code § 911.4 on  
5 the grounds the doctrine of equitable estoppel applies to their claims and that it makes no logical  
6 sense to time bar their claims while allowing Plaintiffs Cooper and Melodi's because all the claims  
7 arise from the same occurrences and time frame. CUSD did not respond to Plaintiffs Burke,  
8 Rachel, Promnitz, and Maddie's request/application to present a late claim.  
9

10 **FIRST CAUSE OF ACTION**  
11 **(Negligence – Against all Defendants)**

12 31. Plaintiffs incorporate by this reference, paragraphs 1 through 30 alleged above for  
13 all intents and purposes as though alleged herein verbatim.

14 32. On all the dates above Plaintiffs Melodi, Rachel, and Maddie were students at CHS,  
15 a division of CUSD, partaking in school sanctioned activities including PE classes and Pep and  
16 Cheer.

17 33. Defendant CUSD was at all times herein mentioned a public school district  
18 operating under the laws of the State of California. CUSD owns, operates, and manages CHS.  
19 Further, at all times herein mentioned, Defendant Schiro was employed by CHS as a PE teacher  
20 and Director of Pep and Cheer. "A public entity is liable for injury proximately caused by an act  
21 or omission of an employee of the public entity within the scope of his employment if the act or  
22 omission would, apart from this section, have given rise to a cause of action against that employee  
23 or his personal representative." (Gov. Code, § 815.2.)  
24

25 34. Defendants, and each of them, breached their duties owed to Plaintiffs by failing  
26 to exercise due and reasonable care as mandated by law owed by schools and teachers to students  
27 by permitting the circumstances to exist that lead to Plaintiffs' injuries. Defendants' actions,  
28

1 inactions, omissions, and activities contributed in natural and/or continuous sequence and each of  
2 its actions as alleged herein was a substantial factor to Plaintiffs Melodi, Rachel, and Maddie's  
3 emotional distress and physical injuries emanating therefrom, including but limited to, migraines,  
4 ulcers, and a flare-up of Crohn's Disease requiring surgery. At all relevant times mentioned herein,  
5 Defendants, through their negligence as herein alleged, ignored their responsibilities owed to  
6 Plaintiffs, and unreasonably jeopardized Plaintiffs' Melodi, Rachel, and Maddie physical and  
7 emotional health and wellbeing.

8  
9 35. As a direct, proximate, and legal result of the negligence, breaches of its high duty  
10 of care owed to students and participants in extracurricular activities, and various violations of  
11 statutes, rules and regulations by the Defendants, and each of them, Plaintiffs sustained numerous  
12 injuries including, but not limited to, physical ramifications of the physiological and emotional  
13 abuse inflicted upon them, and damages related to the stolen opportunities incurred because of  
14 Schiro's physiological, emotional and malicious abuse.

15  
16 **SECOND CAUSE OF ACTION**  
**(Breach of Mandatory Duty Government Code § 815.6 – Against CUSD)**

17 36. Plaintiffs incorporate by this reference, paragraphs 1 through 35 alleged above for  
18 all intents and purposes as though alleged herein verbatim.

19 37. CHS and CUSD have violated the above enumerated CUSD Board Policy,  
20 Regulations, Code of Ethical Conduct required by California law. In addition, "the People find and  
21 declare that the right to public safety extends to public and private primary, elementary, junior  
22 high, and senior high school, and community college, California State University, University of  
23 California, and private college and university campuses, **where students** and staff have the **right**  
24 **to be safe and secure in their persons.**" (Cal. Const., art. I, § 28 [Emphasis added].) California  
25 Education Code § 32261(a) states, "The Legislature hereby recognizes that **all pupils enrolled in**  
26 **the state public schools have the inalienable right to attend classes on school campuses that**  
27  
28

1 **are safe, secure, and peaceful.**" (Emphasis added.) California Code of Regulations title 5 § 5596  
2 and Education Code §§ 33031 and 35179.7 requires school districts to implement the  
3 aforementioned code of ethical conduct, ethics which Schiro has violated. "A special relationship  
4 is formed between a school district and its students **resulting in the imposition of an affirmative**  
5 **duty on the school district to take all reasonable steps to protect its students.**" (*M. W. v.*  
6 *Panama Buena Vista Union School Dist.* (2003) 110 Cal.App.4th 508, 517 [Emphasis added].)  
7 "Based on prior case law and the characteristics of public education along with recent statutory  
8 pronouncements, we readily come to the conclusion that **a special relationship is formed**  
9 **between a school district and its students so as to impose an affirmative duty on the district**  
10 **to take all reasonable steps to protect its students.**" (*Rodriguez v. Inglewood Unified School*  
11 *Dist.* (1986) 186 Cal.App.3d 707, 715 [Emphasis added].) "All pupils have the right to participate  
12 fully in the educational process, free from discrimination and harassment." (Ed. Code, § 201.)  
13 Additionally, Education Code § 233.5 states "Each teacher shall endeavor to impress upon the  
14 minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension  
15 of the rights, duties, and dignity of American citizenship, and the meaning of equality and human  
16 dignity, including the promotion of harmonious relations, kindness toward domestic pets and the  
17 humane treatment of living creatures, to teach them to avoid idleness, profanity, and falsehood,  
18 and to instruct them in manners and morals and the principles of a free government."  
19  
20

21 38. These statutes, regulations, and policies having the force of law were designed to  
22 protect students and create an environment wherein students could learn and develop life skills  
23 through educational and extracurricular activities, such as Pep and Cheer, in an open and safe  
24 place.

25 39. Plaintiffs Melodi, Rachel, and Maddie were in the class of persons to be protected  
26 by these rules, regulations, statutes, and policies having the force of law.  
27  
28

1           40. Defendants Schiro and CUSD violated these Constitutional, statutory, regulatory,  
2 and legal requirements by engaging in the actions herein alleged.

3           41. As a direct, proximate, and legal result of the violations of the Constitution of the  
4 State of California, statutes, regulations, rules, CUSD Board Policies, and policies having the force  
5 of law by the Defendants, and each of them, Plaintiffs sustained numerous injuries including, but  
6 not limited to, physical ramifications of the physiological and emotional abuse inflicted upon them,  
7 and damages related to the stolen opportunities incurred because of Schiro's physiological,  
8 emotional and malicious abuse.  
9

10                                   **THIRD CAUSE OF ACTION**  
11                                   **(Gross, Wanton, Willful, Reckless Negligence – Against All Defendants)**

12           42. Plaintiffs incorporate by this reference, paragraphs 1 through 41 alleged above for  
13 all intents and purposes as though alleged herein verbatim.

14           43. On all the dates above Plaintiffs Melodi, Rachel, and Maddie were students at CHS,  
15 a division of CUSD, partaking in school sanctioned activities including PE classes and Pep and  
16 Cheer.

17           44. Defendant CUSD was at all times herein mentioned a public school district  
18 operating under the laws of the State of California. CUSD owns, operates, and manages CHS.  
19 Further, at all times herein mentioned, Defendant Schiro was employed by CHS as a PE teacher  
20 and Director of Pep and Cheer. "A public entity is liable for injury proximately caused by an act  
21 or omission of an employee of the public entity within the scope of his employment if the act or  
22 omission would, apart from this section, have given rise to a cause of action against that employee  
23 or his personal representative." (Gov. Code, § 815.2.)  
24

25           45. Defendant Schiro's conduct constitutes a want of even scant care and constitutes  
26 an extreme, wanton, willful and reckless departure from the ordinary standard of conduct in the  
27 context of the situation—public school and teacher conduct directed towards students. This gross,  
28



1 wanton, willful and reckless negligent conduct resulted in Plaintiffs Melodi, Rachel, and Maddie's  
2 severe emotional distress and physical injury.

3 46. As a direct, proximate, and legal result of Defendants' gross, wanton, willful and  
4 reckless negligence, Plaintiffs have suffered, and continue to suffer, substantial damages  
5 hereinabove alleged, including but not limited to incurred medical expenses and other special  
6 damages, and has suffered, and continues to suffer, pain, embarrassment, emotional distress,  
7 humiliation, mental anguish, and other special and general damages in an amount according to  
8 proof.  
9

10 **FOURTH CAUSE OF ACTION**  
11 **(Intentional Infliction Of Emotional Distress – Against all Defendants)**

12 47. Plaintiffs incorporate by this reference, paragraphs 1 through 30 alleged above for  
13 all intents and purposes as though alleged herein verbatim.

14 48. On all the dates above Plaintiffs Melodi, Rachel, and Maddie were students at CHS,  
15 a division of CUSD, partaking in school-sanctioned activities including PE classes and Pep and  
16 Cheer.

17 49. Defendant CUSD was at all times herein mentioned a public school district  
18 operating under the laws of the State of California. CUSD owns, operates, and manages CHS.  
19 Further, at all times herein mentioned, Defendant Schiro was employed by CHS as a PE teacher  
20 and Director of Pep and Cheer. "A public entity is liable for injury proximately caused by an act  
21 or omission of an employee of the public entity within the scope of his employment if the act or  
22 omission would, apart from this section, have given rise to a cause of action against that employee  
23 or his personal representative." (Gov. Code, § 815.2.)  
24

25 50. At all times herein mentioned Schiro was in a position of authority and control over  
26 Plaintiffs Melodi, Rachel, and Maddie through Schiro's role as a PE teacher and Director of CHS  
27  
28

1 Pep and Cheer. Plaintiffs Melodi, Maddie, and Schiro at all times herein mentioned were in  
2 Schiro's PE class and participants in CHS Pep and Cheer.

3 51. Beginning after the March 2016 CHS Pep and Cheer attendance at Nationals Schiro  
4 engaged in a scheme to punish Plaintiffs Melodi, Rachel, and Maddie, as alleged above and  
5 incorporated herein, by continually and verbally abusing them in private and in front of others,  
6 including but not limited to, other students, parents, Pep and Cheer members/participants, and  
7 other third parties in an effort to demoralize Plaintiffs Melodi, Rachel, and Maddie and cause them  
8 to quit Pep and Cheer. Further, Defendant CUSD ratified these acts when it was informed by  
9 Plaintiffs of them, instituted an investigation, and has failed to act upon the overwhelming  
10 evidence from past and present Pep and Cheer members/participants and their parents affirming  
11 Schiro's despotic and malicious conduct directed at certain young women in her PE classes and  
12 on Pep and Cheer in furtherance of Schiro's desire and despotic machinations for complete control.  
13

14 52. Defendant Schiro's conduct was intentional and malicious and done for the purpose  
15 of causing Plaintiffs Melodi, Rachel, and Maddie to suffer humiliation, mental anguish,  
16 psychological distress, and emotional and physical distress. Defendant CUSD's conduct in  
17 confirming and ratifying Schiro's intentional and malicious conduct was done with knowledge that  
18 Plaintiffs emotional and physical distress would thereby increase, and was done with a wanton and  
19 reckless disregard of the consequences to Plaintiffs Melodi, Rachel, and Maddie, and in total  
20 disregard for its high duty owed to students.  
21

22 53. As the direct, proximate, and legal result of the acts alleged above, Plaintiffs  
23 Melodi, Rachel, and Maddie suffered humiliation, mental anguish, psychological distress, and  
24 emotional and physical distress, and have been injured as follows: Plaintiffs Melodi, Rachel, and  
25 Maddie have suffered near incapacitating migraines due to the excess stress and humiliation they  
26 have been forced to cope with at the hands of Schiro, Plaintiff Melodi suffered from the  
27 development of an ulcer, and Plaintiff Rachel suffered a major flair up in her Crohn's Disease  
28

1 which required hospitalization and surgery to correct, all to Plaintiffs Melodi, Rachel, and  
2 Maddie's damage.

3 54. As a further direct, proximate, and legal result of the acts alleged above, Plaintiffs  
4 Melodi, Rachel, and Maddie and their parents, Plaintiffs Cooper, Burke, and Promnitz, were  
5 required to and did employ physicians and surgeons to examine, treat, and care for Plaintiffs  
6 Melodi, Rachel, and Maddie, and incurred additional medical expenses. Plaintiffs are informed  
7 and believe, and thereon allege, that Plaintiffs will incur some additional medical expenses, the  
8 exact amount of which is unknown at this time.  
9

10 55. The acts of Defendants alleged above were willful, wanton, malicious, and  
11 oppressive, and justify the awarding of exemplary and punitive damages.

12 **FIFTH CAUSE OF ACTION**  
13 **(Negligent Infliction Of Emotional Distress –Against all Defendants)**

14 56. Plaintiffs incorporate by this reference, paragraphs 1 through 46 alleged above for  
15 all intents and purposes as though alleged herein verbatim.

16 57. On all the dates above Plaintiffs Melodi, Rachel, and Maddie were students at CHS,  
17 a division of CUSD, partaking in school sanctioned activities including PE classes and Pep and  
18 Cheer.

19 58. Defendant CUSD was at all times herein mentioned a public school district  
20 operating under the laws of the State of California. CUSD owns, operates, and manages CHS.  
21 Further, at all times herein mentioned, Defendant Schiro was employed by CHS as a PE teacher  
22 and Director of Pep and Cheer. "A public entity is liable for injury proximately caused by an act  
23 or omission of an employee of the public entity within the scope of his employment if the act or  
24 omission would, apart from this section, have given rise to a cause of action against that employee  
25 or his personal representative." (Gov. Code, § 815.2.)  
26

27 59. Defendants knew, or should have known, that their failure to exercise due care as  
28

1 required by law in the in performance of their duties operating a school, supervising teachers and  
2 coaches, and teaching and coaching students would cause severe emotional distress.

3 60. Schiro engaged in affirmative acts of abuse, bullying, harassment, and malicious  
4 conduct, as more fully alleged above and incorporated herein, directed at Plaintiffs which breached  
5 her mandatory and legal duty to ensure a safe place for Plaintiffs Melodi, Rachel, and Maddie.

6 61. CUSD and its subdivision CHS and CHS' Administrators failed to provide  
7 Plaintiffs with a safe harassment free environment in which to learn and partake in school related  
8 activities, including but not limited to, Pep and Cheer, which llegal above was a breach of their  
9 mandatory duties owed to Plaintiffs Melodi, Rachel, and Maddie.

10 62. As a direct, proximate, and legal result of Defendants' failure to protect Plaintiffs  
11 Melodi, Rachel, and Maddie from verbal abuse, bullying, harassment, and malicious conduct on  
12 the part of an employee, Defendant Schiro, robbing Plaintiffs Melodi, Rachel, and Maddie of their  
13 inalienable right to attend classes on school campuses that are safe, secure, and peaceful, Plaintiffs  
14 Melodi, Rachel, and Maddie suffered humiliation, mental anguish, psychological distress,  
15 emotional distress and physical distress, and have been injured as follows: Plaintiffs Melodi,  
16 Rachel, and Maddie have suffered near incapacitating migraines due to the excess stress and  
17 humiliation they have been forced to cope with at the hands of Schiro, Plaintiff Melodi suffered  
18 from the development of an ulcer, and Plaintiff Rachel suffered a major flair up in her Crohn's  
19 Disease which required hospitalization and surgery to correct, all to Plaintiffs Melodi, Rachel, and  
20 Maddie's damage.

21 63. As a further direct, proximate, and legal result of the acts alleged above, Plaintiffs  
22 Melodi, Rachel, and Maddie and their parents, Plaintiffs Cooper, Burke, and Promnitz, were  
23 required to and did employ physicians and surgeons to examine, treat, and care for Plaintiffs  
24 Melodi, Rachel, and Maddie, and incurred additional medical expenses. Plaintiffs are informed  
25  
26  
27  
28

1 and believe, and thereon allege, that Plaintiffs will incur some additional medical expenses, the  
2 exact amount of which is unknown at this time.

3 **SIXTH CAUSE OF ACTION**  
4 **(Negligent Hiring, Retention And Supervision – Against Defendant CUSD)**

5 64. Plaintiffs incorporate by this reference, paragraphs 1 through 63 alleged above for  
6 all intents and purposes as though alleged herein verbatim.

7 65. As alleged above, Schiro was an employee of CUSD and a PE teacher and Director  
8 of Pep and Cheer at CHS. During the times herein mentioned Plaintiffs were students in Schiro's  
9 PE class and participants in Pep and Cheer under Schiro's direction and control. At all times herein  
10 alleged Schiro was charged with the supervision of Plaintiffs and undertook to instruct, supervise,  
11 assign, and control Plaintiffs in both her PE class and Pepe and Cheer. Further, at all times herein  
12 mentioned CHS and CUSD were charged with the supervision of Schiro and undertook to instruct,  
13 supervise, assign, and control Schiro. A public entity is liable for injury proximately caused by an  
14 act or omission of an employee of the public entity within the scope of his employment if the act  
15 or omission would, apart from this section, have given rise to a cause of action against that  
16 employee or his personal representative." (Gov. Code, § 815.2.) "[P]ublic school district may be  
17 vicariously liable under section 815.2 for the negligence of administrators or supervisors in hiring,  
18 supervising and retaining a school employee." (*C.A. v. William S. Hart Union High School Dist.*  
19 (2012) 53 Cal.4th 861, 879.)  
20

21 66. Schiro was hired, trained, and promoted by CHS and CUSD to serve as a PE teacher  
22 and Director of Pep and Cheer, and as such to supervise students and Pep and Cheer  
23 members/participants, notwithstanding Schiro was unqualified to serve in such supervisory  
24 positions and lacked the training, knowledge, common sense, understanding, and competence for  
25 such supervisory positions.  
26

27 67. As alleged above, Plaintiffs made Schiro's abuse, bullying, harassment, and  
28

1 malicious conduct known to both CHS Administrators and staff and CUSD Administrators and  
2 staff through numerous verbal and written complaints thus placing CHS and CUSD on notice of  
3 Schiro's abuse, bullying, harassment, and malicious conduct.

4 68. Plaintiffs are informed and believe, and thereon allege on said information and  
5 belief, that CHS students in Schiro's pervious PE classes and members/participants and their  
6 parents of previous CHS Pep and Cheer have lodged similar complaints and allegations against  
7 Schiro during her tenure as a CHS PE teacher and Pep and Cheer Director, thus further placing  
8 CHS and CUSD on notice of Schiro's abuse, bullying, harassment, and malicious conduct.  
9

10 69. As a direct, proximate, and legal result of the existing and known abuse, bullying,  
11 harassment, and malicious conduct committed by Schiro, and the lack of competence and  
12 qualification of Schiro, CHS and CUSD were negligent in the hiring, training, supervising,  
13 instructing, controlling and retaining of Schiro and in assigning Schiro to supervisorial positions  
14 over students and members/participants of Pep and Cheer.

15 70. As a direct, proximate, and legal result Plaintiffs Melodi, Rachel, and Maddie  
16 suffered psychological, emotional and physical injury as a direct, proximate, and legal cause of  
17 Defendant CUSD's negligent hiring, training, supervising, instructing, controlling and retention of  
18 Schiro, and as a direct, proximate, and legal cause of Schiro's negligence, described herein,  
19 Plaintiffs Melodi, Rachel, and Maddie have suffered damages. Defendant CUSD's negligent  
20 hiring, supervising or retention of Schiro was a substantial direct, proximate, and legal factor in  
21 causing injury to Plaintiffs Melodi, Rachel, and Maddie.  
22

23 **SEVENTH CAUSE OF ACTION**  
24 **(Vicarious Liability Government Code §§ 815, 815.2 and 820 – Against Defendant CUSD)**

25 71. Plaintiffs incorporate by this reference, paragraphs 1 through 70 alleged above for  
26 all intents and purposes as though alleged herein verbatim.

27 72. Under the provisions of California Government Code §815 (a), a public entity is  
28

1 not liable for an injury caused by an employee except as "otherwise provided by statute."

2 Government Code §815 (a) provides in pertinent part as follows:

3 "Except as otherwise provided by statute:

4 (a) A public entity is not liable for an injury, whether such injury  
5 arises out of an act or omission of the public entity or a public  
6 employee or any other person."

7 73. However, an exception to public entity liability for an act or omission of a public  
8 entity employee exists here in the application of Government Code §§ 815.2 and 820. Section  
9 815.2 provides in pertinent part as follows:

10 "(a) A public entity is liable for injury proximately caused by an act  
11 or omission of an employee of the public entity within the scope of  
12 his employment if the act or omission would, apart from this section,  
13 have given rise to a cause of action against that employee or his  
14 personal representative."

15 Moreover, a public employee is liable for negligent acts or omissions alleged in this cause of action  
16 under Government Code § 820, which provides in pertinent part:

17 (a) Except as otherwise provided by statute (including Section  
18 820.2), a public employee is liable for injury caused by his act or  
19 omission to the same extent as a private person."

20 74. At all times above described Schiro was acting within her capacity as Director of  
21 CHS Pep and Cheer and as a PE teacher, which also means she is an employee of CHS' governing  
22 body, CUSD. Under Government Code §§ 815, 815.2 and 820 CUSD is vicariously liable for  
23 Schiro's actions performed in the course of her employment.

24 **EIGHTH CAUSE OF ACTION**  
25 **(Audit/Accounting – Against Defendant CUSD)**

26 75. Plaintiffs incorporate by this reference, paragraphs 1 through 74 alleged above for  
27 all intents and purposes as though alleged herein verbatim.

28 76. Plaintiffs are informed and believe, and thereon allege, that Pep and Cheer derives  
a substantial portion of its operating revenue each school year/Pep and Cheer season from

1 donations derived mainly through parent giving.

2 77. Plaintiffs Cooper, Burke, and Promnitz have donated and raised substantial sums  
3 of money for CHS Pep and Cheer from at least the 2013-14 school year/Pep and Cheer season  
4 through 2016-17 school year/Pep and Cheer season.

5 78. Plaintiffs Cooper, Burke, and Promnitz are informed and believe, and thereon  
6 allege, due to the Pep and Cheer budget meeting alleged above, Schiro failed to update and  
7 properly account for Pep and Cheer money, a portion of which was raised and donated by Plaintiffs  
8 Cooper, Burke, and Promnitz.

9 79. Plaintiffs Cooper, Burke, and Promnitz are informed and believe, and thereon  
10 allege, Defendant Schiro has improperly used donated Pep and Cheer money for her own sole and  
11 separate benefit and/or for the sole and separate benefit of other third parties at the exclusion and  
12 determinant of CHS Pep and Cheer.

13 80. Defendant CUSD agreed to perform an audit of CHS Pep and Cheer in its January  
14 25, 2018 letter and provide Plaintiffs with a written report thereof.

15 81. As a direct, proximate, and legal result of Defendant Schiro's mismanagement and  
16 misuse use of funds raised and donated by Plaintiffs Cooper, Burke, and Promnitz, among other  
17 Pep and Cheer member/participants' parents throughout the past and present years, Plaintiffs  
18 Cooper, Burke, and Promnitz have been injured in that their raised and donated funds have not  
19 been used for the purpose upon which they were raised and donated. Plaintiffs Cooper, Burke, and  
20 Promnitz request that this Court exercise its equitable power and require Defendant CUSD to audit  
21 the CHS Pep and Cheer.

22 **WHEREFORE**, Plaintiffs request remedies as follows:

- 23 1. For Special and General Damages for Plaintiffs Melodi, Rachel, and Maddie,  
24 individually, according to proof in any event no less than four hundred thousand  
25 dollars (\$400,000.00) for physical ramifications—chronic debilitating migraines  
26  
27  
28



1 and headaches—of the emotional abuse suffered by the Plaintiffs due to Schiro's  
2 despotic abuse, bullying, harassment, and malicious conduct;

3 2. For Special and General Damages for Plaintiffs Melodi, Rachel, and Maddie,  
4 individually according to proof in any event no less than one hundred thousand  
5 dollars (\$100,000.00) each for the stolen opportunities CUSD's negligence and  
6 Schiro's intentional misconduct, harassment, bullying, and emotional abuse has  
7 caused the Plaintiffs to forego. Chief among these stolen opportunities is the  
8 Plaintiffs Melodi, Rachel, and Maddie's ability to freely participate in a sporting  
9 event which they enjoy and gain valuable leadership experience, thus hindering  
10 their liberty interests to the pursuit of happiness. Secondly, Schiro's malicious,  
11 vindictive, and obscene behavior caused the Plaintiffs to forego the use of Schiro,  
12 their longtime coach, as a reference on college applications because they had no  
13 inclination what she would say. This hindered Plaintiffs Melodi, Rachel, and  
14 Maddie's ability to show their nonacademic, extracurricular, school involvement in  
15 their college applications;

16  
17 3. For General and Special Damages for according to proof in any event no less than  
18 two hundred thousand dollars (\$200,000.00) for Plaintiff Rachel's Crohn's Disease  
19 flare-up caused by Schiro's despotic abuse, bullying, harassment, and malicious  
20 conduct resulting in Rachel's hospitalization and delaying her collegiate career one  
21 year and missing an American rite of passage in leaving home for college at  
22 eighteen;

23  
24 9. For Punitive Damages for Plaintiffs Melodi, Rachel, and Maddie, individually,  
25 according to proof in any event no less than (\$150,000.00) each to deter future  
26 CUSD Administrators and employees from both directing this kind of abuse,  
27 bullying, harassment, and malicious conduct at students, and to teach CUSD and  
28

1 CHS that it is inappropriate to drag their heels when notified of employee  
2 misconduct and bury employee misconduct against students under the carpet;

3 10. For an audit of the CHS Pep and Cheer program;

4 11. For costs of suit herein; and

5 12. For such other and further relief as the Court deems just and proper.  
6

7  
8 DATED: February 5, 2019

GEORGESON AND BELARDINELLI

9  
10  
11 By 

12 Robert J. Willis,  
13 Attorneys for Plaintiffs, TAMMI COOPER,  
14 LAURA BURKE, CINDY PROMNITZ,  
15 MELODI COOPER, RACHEL BURKE,  
16 and MADDIE PROMNITZ  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28